

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 15, 2008  
Tuesday, 9:00 A.M.

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; Bill Buchanan, County Manager, and Linda Leggett, Deputy County Clerk present.

The pledge of allegiance was participated in by the Council Members, Staff and guests.

Rev. Sally Fahrenthold – Lutheran, gave the invocation.

### ENBANC MEETING      **EN BANC MEETING OF WICHITA CITY COUNCIL AND SEDGWICK COUNTY BOARD OF COUNTY COMMISSIONERS**

**ROLL CALL**      The City Clerk did the roll call for the Wichita City Council Members, present were: Sharon Fearey, Lavonta Williams, Paul Gray, Jeff Longwell, Jim Skelton, and Mayor Brewer. Vice-Mayor Schlapp was absent with prior notice.

**ROLL CALL**      The Deputy County Clerk did the roll call for the Board of County Commissioners, present were: Dave Unruh, Tim Norton, Kelly Parks, Gwen Wilshimer, and Chairman Tom Winters.

### **CESSNA      APPROVAL OF LOCAL ECONOMIC DEVELOPMENT INCENTIVE PACKAGE FOR CESSNA COLUMBUS PROJECT.**

Bill Buchanan      County Manager gave an overview of the project.

Allen Bell      Urban Development Director reviewed the item.

Cessna Aircraft Company has announced its plans to introduce a new aircraft to its family of business jets. The new Columbus jet will be Cessna's largest and most expensive aircraft. It will also be the largest new product program Cessna has ever undertaken, at an estimated total investment of \$800 million and the employment of over 1,000 engineering, production and support workers.

Cessna does not have existing facilities anywhere that can accommodate the assembly of aircraft of the size of the Columbus; so construction of a new plant is required, at an estimated cost of \$200 million for facilities and equipment. Recruitment of Cessna to locate the Columbus plant became a high economic development priority for a large number of states anxious to establish or expand their own aerospace cluster. While Cessna considered proposals from other states, officials from the company worked the City, County and the Greater Wichita Economic Development Coalition (GWEDC) to ensure that this community had the opportunity to compete. Because of the size of this project, the State of Kansas became a key player in this highly competitive economic development recruitment project.

City, County, GWEDC and State officials held several meetings with Cessna officials, starting in November 2007. In February 2008, a formal incentive offer was presented to Cessna. After evaluating its other opportunities, Cessna contacted the state and local partners with information on our competitive standing that resulted in a highly-expedited action by the Kansas Legislature and Governor Sebelius to enact legislation that allows the Kansas Development Finance Authority (KDFA) to issue bonds to supplement the State's incentive offer.

On April 5, 2008, Cessna CEO Jack Pelton announced the company's decision to locate the Columbus assembly plant in Wichita. The local portion of the economic development incentive package is presented herewith for approval by the governing bodies of the City of Wichita and Sedgwick County.

Cessna has identified a preferred site for the construction of their new production plant on undeveloped airport property located between their main Wallace Plant campus on Highway K-42 and the Citation

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Service Center on Hoover Road (see attached aerial photo). Preliminary plans call for the construction of over 800,000 square feet of buildings, 14 acres of airfield pavement and parking lots for employee and visitor parking. Site improvements for the site will require the importation of over 500,000 cubic yards of fill dirt to build up the site elevation.

Cessna estimates it will take five years of product development, design, testing and certification before full production of the Columbus begins. Employment will ramp-up during this time to total employment of 1,010 workers at an average annual salary of \$73,412.

## LOCAL INCENTIVE PACKAGE

**Consolidated Airport Lease:** Cessna currently leases a major portion of the land for its existing plant from the Wichita Airport Authority, under 11 separate lease agreements, each with its own terms and conditions. As part of the local incentive package for the Columbus Project, the Wichita Airport Authority has offered to consolidate all 11 existing leases, plus the Columbus site not covered by existing leases, into one 50-year lease agreement, subject to formal approval by the Authority's governing board. Airport property used for aviation related purposes is exempt from ad valorem taxation. The terms of the consolidated lease, which will result in significant long-term benefits for Cessna, are being finalized by Cessna and the Airport Authority.

**Forgivable Loan:** The City of Wichita and Sedgwick County have offered to provide Cessna with a cash incentive in the form of a \$10 million forgivable loan, subject to formal approval of the governing bodies. The loan proceeds will be used by Cessna to defray the costs of site preparation, paving and infrastructure for the new Columbus Plant. The loan agreement will have a nine-year term to correspond with the expected ramp-up in employment within the Columbus program. Equal amounts of loan principal will be forgiven each year if employment and payroll for the Columbus program reach the milestones set forth in the agreement. If the specified total employment level has not been achieved by the end of the nine-year term, the remaining loan balance will be due and payable.

**State of Kansas Incentives:** The Kansas Department of Commerce has offered Cessna a package of incentives that includes a KEOIF forgivable loan, HPIP and Enterprise Zone tax benefits and the KDFA bonds approved by the Kansas Legislature. The State's cash incentives, including the KEOIF loan and the KDFA bonds, come to \$35 million. With the tax incentives added, the total value of the State's incentive package is over \$70 million.

The City-County forgivable loan will be administered by the City and funded by the City through the issuance of general obligation bonds. The City and County will enter into an interlocal agreement that provides for the County to make payments to the City to cover bond payments on \$5,000,000 of the \$10,000,000 forgivable loan.

As part of GWEDC's due diligence for this project, the return-on-investment was calculated for the proposed incentive package. The ratios of benefits to costs are well above the minimum 1.3 required by the City-County Economic Development Incentive Policy.

Economic Vitality and Affordable Living. The use of economic development incentives to ensure the expansion of the region's aerospace manufacturing cluster provides economic security.

The final approval of the individual elements of the proposed incentive package will require additional actions by the City Council and Board of County Commissioners. The City Council will need to approve the forgivable loan agreement and bond documents, and acting as the Airport Authority governing board, the consolidated airport lease agreement. The Board of County Commissioners will need to approve the interlocal agreement at the time the City bonds are issued.

Commissioner Parks

County Commissioner inquired about the funding from the County's standpoint of how many years and dollars per year and what line item this will come out of.

Bill Buchannan

County Commissioner explained that staff is currently working on the 2009 budget and this annual expense with principle and interest is estimated to be \$480,000 and would come out of the general fund and would be in the economic development line items and they expect no difficulty in making that occur. Stated this is a priority and will go to the top of the list.

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- Motion-- Brewer moved that the City Council and the Board of County Commissioners approve the Incentive Package as presented to Cessna Aircraft Company for the location and construction of the Columbus Assembly Facility in Wichita, Kansas, subject to adoption of the necessary documents by the governing bodies, and that the GWEDC and City and County Staffs be directed to return the necessary documents to implement the elements of the Incentive Package to the respective governing bodies for approval, second by Commissioner Tom Winters.
- Commissioner Winters County Chair stated under discussion of the motion, feels that there are some people who would like to speak and before that begins, stated he would like to express on behalf of the Board of County Commissioners, their opportunity to hear this presentation together and sit here as a group to discuss this entire package and appreciates the City Council's hospitality in allowing them to come to their regular Tuesday morning meeting. Stated he is going to speak in favor of this motion and one of the things that has been very impressive to him is the Cessna organization in taking on one of their largest new product programs here in Wichita/Sedgwick County and thinks that is an effort that many of them have been attentive to in knowing that they have a very sound aviation industry here but as they progress and move into the future, there will be continued new products coming on line and if we begin to let our competitors experience some of the flavor of those new products, he feels that we will be in the detriment for the long term. Stated on behalf of Sedgwick County, he thinks one of the things that they are most pleased with is their cooperation of the new project at Jabara Airport, The National Center for Aviation Training and these projects are going to coincide very well and that campus will be open early 2010 and their intentions are to have over 500 students in the aviation service center and over 800 students in the manufacturing part of the program. Stated they know that projects like this are going to require new skilled labor and employees and are pleased to be working on that project. Stated they have a strong working relationship at Sedgwick County with Goodwill, KLETCH, and Starkey and all of these organizations have strong working relationships with the aviation industry are suppliers to the aviation industry and as we think about how a project like this moves through the community, we can easily see how that 1,000 jobs is going to turn into something like 4,000 jobs and he will be supportive of this.
- Mayor Brewer Mayor Brewer stated he will also be very supportive of this and recognize that aviation manufacturing is the heart of our community and with this are creating 1,000 jobs but expands a little farther than that. Stated the record already reflect that for every one job that is actually created in the aviation manufacturing, creates an additional 2.9 jobs outside due to sub-contracting work and other suppliers. Stated it is an asset to small businesses and thinks that it is very important that we recognize that what just happened and what you have seen happen within the past week, is history for our community. Stated it is because strong message that was sent out to the rest of the world that we as a community and the state of Kansas would not allow them to be able to take our businesses or aviation manufacturing and it is one of our prized possessions and that we would stand up and do whatever necessary to pull together as a community and state to make sure to retain it and kept it. Stated there are a lot of people today announcing that they are coming into a city to take businesses and jobs and in past history it has happened to us and we have allowed it to happen. Stated the things that have happened with the partnerships with GWEDC, REAP, the City, county, state and our state legislatures, have stepped up and have sent a strong message. Stated he would like to recognize any of our state legislatures that are here this morning. Stated this is a very proud moment for the City of Wichita, Sedgwick County, and the State of Kansas and this entire region of this area and what is good for Wichita and Sedgwick County is good for the State of Kansas and he will be supporting this effort today and will be looking forward to the next one because we have some other opportunities that are out there before us and he is looking forward so that we can make sure that we continue to send that message that we will protect whatever we have that is here.
- Council Member Skelton Council Member Skelton stated that this is the right thing to do for the economy.
- Commissioner Unruh Commissioner Unruh stated he feels his sense is that among the constituents here and in south central Kansas, that there is a universal understanding of how important the aviation industry is to our economic vitality and advancing this incentive package puts everyone on notice that we have assumed a specific posture that we are going to compete with those folks who want this type of economic development and that we will compete as strongly as we can with the partnerships that are available to us among city, county, and the state government so that we can retain and attract this sort of economic

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investment in our community and specifically for Cessna Aircraft, that we are all proud of the fact that they have selected this site to build this new product and that they have been willing to invest in plant equipment, provide jobs here, and maintain the economic vitality that is essential for us to be this little island of prosperity in a nation when things are not going so well elsewhere. Stated he is going to be very supportive and proud to be part of the body that is approving this incentive package.

- Commissioner Norton Commissioner Norton stated we are very fortunate that we have an economic bubble over Wichita and Sedgwick County right now and it is about jobs and wealth creation and the economy to keep it pumped up and inflated and he is very proud that Cessna stepped up to put some more energy into our community to keep that bubble inflated. Stated he would like to recognize Jim Walters, who is with Cessna and would like to offer him the opportunity to speak if he would like.
- Jim Walters Mr. Walters stated on behalf of all of Cessna, they thank the Council and Commissioners and for their leadership in recognizing the importance of this project to Cessna but to the aviation industry. Stated the landscape is changing and the landscape is a lot more competitive for these jobs but today's actions demonstrate the commitment to this critical industry to the economic health of the city, county, and state and they are proud to be building the Columbus in Wichita, Kansas and thanked them for their commitment to workforce development and everything that they have supported in the way of the development of a technical training infrastructure, which is also extremely critical and required for the support of their industry and industries as a whole in South Central Kansas and the state.
- Council Member Longwell Council Member Longwell stated this package is something that has been worked on for quite some time and it did not come to us over night. Stated that much of the groundwork that was laid that allowed them to put this package together was laid by the County Commissioners and they made some bold steps years ago and their determination that this community needed an aviation training center. Stated he feels that some people took some significant "dings" over that foresight and without that would have not been able to be here and put this all together. Stated this is an opportunity that affords us to continue to look at diversifying our job market and without these opportunities we do not have the finances and resources and the ability to attract other industry and other businesses and the reality is that this goes along step with also helping our community become more vibrant, strong, and economically stable, which will help us attract other segments to diversify our job force here and is very supportive of this initiative.
- Council Member Gray Council Member Gray stated he wanted to thank Cessna and all of the people that made a daring move by getting into an aviation sector that they have not been a part of and to take the Cessna quality and brand and go out there and try and create a new product for the consumer and the business and industry. Stated if it were not for them taking that risk, it would not matter what kind of incentive package they created and those jobs would not be available for them to even pursue. Stated he appreciates their efforts, commitment, and faith that they have in the American and business community that they are willing to go out and put 800 million dollars on the line to create a product because you think it is marketable in this economy and the economy going forward.
- Commissioner Parks Commissioner Parks stated he would like to thank Textron and Cessna for stepping up and choosing Wichita and working with them on this project. Stated Textron and the aircraft industry can take their business elsewhere and he would much rather see it in Sedgwick County then in Seattle or Texas. Stated he feels it is important to keep our children and grandchildren here to work in this industry. Stated the line item for Sedgwick County has been there for a long time and economic stimulus is one of the things that they do and is not an additional tax but something that they have prioritized. Stated he would like to ask Cessna that when they get ready to look for parts that they cannot manufacture on site, to do the outsourcing locally as they possibly can. Stated there are a lot of other smaller companies that will do the outsourcing before we need to go out of the state or out of the nation. Stated that he feels this is a good project.
- Commissioner Welshimer Commissioner Welshimer stated she is supporting this action because we must compete with jobs in a changing global economy today and we are investing every Sedgwick County tax payer in this project because we hope we will have economic rewards in return and she will be in support of this.
- Council Member Williams Council Member Williams stated she agrees with Council Member Gray and thanked Cessna for this opportunity and also thanked this body of people as they sit as a united stance and make a comment,

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which is very important to her. Stated this is an opportunity that we could not afford to miss or take for granted and jobs and economic boosts are things that we want for our city and county and is appreciative of the fact that we are taking a progress and aggressive step as others have done as well and will be in support of this and looks forward to the work that will be created and thinks it is a great thing for Wichita and Sedgwick County.

Council Member Fearey Council Member Fearey stated that as the last person to speak she will say that she agrees.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

--carried Motion carried 11 to 0, (Vice-Mayor Schlapp absent).

Motion-- County Commissioner Chair Winters moved to adjourn the Enbanc portion of this meeting. Motion  
--carried carried 11 to 0, (Vice-Mayor Schlapp absent).

**RECESS** The Council recessed at 9:37 a.m.

**RECONVENED** The City Council reconvened at 9:45 a.m.

Motion-- Brewer moved that the Minutes of the regular meeting of April 8, 2008 be approved. Motion  
--carried carried 6 to 0, (Vice-Mayor Schlapp absent).

## **PROCLAMATIONS** **AWARDS AND PROCLAMATIONS:**

Mayor Brewer read aloud the following proclamations:

- Fair Housing Month
- Child Abuse Prevention Month
- Wichita Arbor Day
- Fathers Make a Difference Day
- Administrative Professionals Week
- Crime Victim's Rights Week
- Earth Day

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## COUNCIL BUSINESS

### UNFINISHED COUNCIL BUSINESS

#### UNSAFE STRUC

#### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES, 631 WEST 47TH STREET SOUTH. (DISTRICT IV)

Kurt Schroder

Office of Central Inspection reviewed the item.

Agenda Item No. 1.

The structure on at 631 W. 47<sup>th</sup> St. South was first before the Board of Code Standards and Appeals (BCSA) on June 4, 2007. Mr. Craig Gable represented this property by letter. Mr. Gable informed the Board that there were issues regarding ownership of the property, and requested the BCSA to defer action on the case for thirty days. The BCSA recommended deferring action on the property for thirty days.

This property was again before the BCSA on July 9, 2007. After further review of the case, the BCSA recommended proceeding with condemnation, demolition and removal of the structure.

On September 11, 2007, the City Council deferred action on this property until October 2, 2007.

On October 2, 2007, the City Council deferred action on this property until November 20, 2007.

On November 20, 2008, Debora Spicer appeared before the City Council to represent the property, indicating the property title is still in litigation. Ms. Spicer stated she was still attempting to obtain the deed to the property from her ex-husband, with the intent of demolishing and removing the structure herself. Final action on the case was deferred by the City Council for 120 days to allow Ms. Spicer time to obtain title, pay delinquent taxes and begin demolition of the structure.

Staff made an inspection of the property on March 27, 2008. No further repairs have been made to the structure. The west side utility room door is open. At the time of inspection, the premise conditions were compliant to city code.

As of March 27, 2008, Sedgwick County shows this property in the name of Debora Spicer. The 2004, 2005, 2006 and 2007 taxes are delinquent in the amount of \$4,749.92. There are no special assessments.

On April 1, 2008, staff spoke with Debora Spicer and Ms. Spicer stated that litigation is in the final stages. Ms. Spicer is waiting to receive funding from the litigation that will allow her to have the property demolished.

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

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On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

The owner/s has been informed of the date and time of the hearing.

- Kurt Schroeder Office of Central Inspection stated the owner is asking for a little more time to get this property torn down and cleaned up at her own expense. Stated that Staff recommends giving her 30 additional days to get this demolition done on her own and if that is not done then they would proceed with the demolition of the property.
- Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.
- Council Member Gray Council Member Gray asked if OCI would have an issue if he granted her 60 days instead of 30, since the intent is to demo it anyways.
- Kurt Schroeder Office of Central Inspection stated if you give her the 30 days and then 10 days and 10 days, it ends up being about 60 days but if it is the desire of the Council to give her 60 days that would be fine.
- Motion--carried Gray moved to take Staff's recommendation to grant an extension of 60 days. Motion carried 6 to 0, (Vice-Mayor Schlapp absent).

## Resolution No. 08-195

A Resolution finding that the structure/s located on Lot 1, Faith Meadows Addition to Sedgwick County, Kansas, commonly known as 631 W. 47th St. S, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer, (Schlapp absent).

## CADILLAC LAKE

### **CADILLAC LAKE AGREEMENT FOR DESIGN SERVICES FOR PEARSON AND NEW MARKET TRACTS, SOUTH OF 29TH STREET NORTH, ALONG BOTH SIDES OF MAIZE. (DISTRICT V)**

- Chris Carrier Public Works Director reviewed the item.

#### Agenda Item No. 2.

On March 20, 2007, the City Council approved a Development Agreement for an area at 29th Street North and Maize Road commonly referred to as Cadillac Lake. One element of the agreement is the construction of a wetland mitigation area and floodwater detention facilities. On November 20, 2007, the City Council approved a petition to construct the drainage improvements. On December 4, 2007, the City Council approved a letter of intent with the Lowe's Company to allow site preparation for their store to begin upon issuance of a 404 permit by the Corp of Engineers.

This proposed Agreement between the City and Poe & Associates, Inc. provides for the design of bond financed improvements for storm water detention and wetland mitigations in the area now platted as Pearson Commercial Addition and approximately 50 acres unplatted tract to the west. Per Administrative Regulation 1.10, staff recommends that Poe be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation. This agreement will allow the design of these improvements to begin upon it's approval. Should a 404 permit for the project not be issued by the Corps, the design work will cease and the consultant paid for work completed to that point.

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Payment to Poe will be on a lump sum basis of \$445,500 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Chris Carrier

Public Works Director stated that he made an error when preparing the green sheets and it says that the total will be paid by special assessments and he would like it noted that payment will be made on the basis of what was established in the development agreement that the Council approved back on March 20, 2007, which will be a combination of special assessments to the benefit district that was established in that petition and a portion, which is the stormwater detention of this project, will be paid by the City at large through bonding.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey

Council Member Fearey stated that she voted against this in the past and still does not like it but will vote in favor of it because she feels it is a done deal with the Council. Stated she does not like spending stormwater money on this because she feels that we have other areas that are flooding that were not developed in flood plains but this is one of those things that has gone on for so many years that she can be convinced enough to vote yes, that this is the best way to take care of it but is still not 100% happy.

Council Member Longwell Council Member Longwell stated there are two things that the community should be able to embrace which are having some additional flood control regardless of some mistakes made in the past in building in low lying areas. Stated he feels that now is the opportunity to try and rectify some of that and this is an important part of that process. Stated we are not through with some flood control issues in west Wichita and there are many more initiatives that we are going to have to take a look at eventually. Stated the other important feature is the community is getting a wetlands park and perpetuity and if an initiative like this was not taken, there is no guarantee and probably no real way to put this a wetlands park and feels that the community should appreciate not only have a wetlands park and perpetuity but having a park that is going to be dramatically enhanced because of the dollars that the developers are bringing to this and if you set aside the economic benefit of what is going to take place there and just look at the wetlands park and the flood mitigation, the community should embrace that regardless.

Motion--

Longwell moved that the Agreement be approved; the necessary signatures authorized with the understanding that the agreement does not take place unless we have the 404 permit as spelled out by Chris Carrier. Motion carried 6 to 0, ((Vice-Mayor Schlapp absent).

--carried

## NEW COUNCIL BUSINESS

RAW INVEST.

### REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, RAW INVESTMENTS, INC. (DISTRICT IV)

Allen Bell

Urban Development Director reviewed the item.

Agenda Item No. 3.

Since 1991, the City Council has approved Letters of Intent for Industrial Revenue Bonds for approximately \$2 billion to finance expansion and modernization of Cessna Aircraft Company facilities in Wichita. Since 1991, over \$1 billion in IRBs have been issued to Cessna. Cessna in conjunction with RAW Investments, Inc. has proposed a new project which will be developed by and leased to RAW Investments, Inc. with a sublease to Cessna for operations.

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RAW Investments, Inc. is requesting the issuance of a one-year letter of intent for Industrial Revenue Bonds ("IRBs") in an amount not to exceed \$2,500,000. RAW Investments, Inc. is also requesting the City Council's approval of a five-year tax exemption on the IRB-financed building and a second five-year exemption subject to City Council approval.

Bond proceeds will be used to finance the costs of constructing, and equipping a 75,000 sf facility located at 1950 S. Hoover Road. The warehouse will be leased to RAW Investments, Inc. and subleased for a ten-year term to Cessna Aircraft Company, the ultimate beneficiary of the project. Approximately 60,000 sf will be used for warehousing and distribution of parts to the manufacturing operation as part of the just-in-time manufacturing process. The remaining 15,000 sf will be office space used for support, marketing and sales functions. The consolidation of existing warehouse space into the new facility will allow Cessna to expand their manufacturing operations. Cessna plans to add 20 new positions with an average annual wage of \$77,800 as a result of the proposed project. They will transfer approximately 30 existing positions to the new facility.

RAW Investments, Inc. is a real estate investment and development company located at 2008 W. Harry Court. RAW Investments, Inc. is serving as applicant, developer and primary lessee, however, the project will directly benefit Cessna and provide opportunity for job creation and further expansion of Cessna's presence in Wichita.

The City's contract bond counsel firm, Kutak Rock LLP, will serve as bond counsel in the transaction. RAW Investments, Inc. agrees to comply with the City's Standard Letter of Intent Conditions. RAW Investments will be purchasing and holding the bonds.

RAW Investments, Inc. agrees to pay all costs of the City relative to the issuance of the bonds. RAW also agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Under the City's Economic Development Incentive Policy, the Company qualifies for a 96% five-plus-five-year tax exemption on real property constructed with bond proceeds. Staff recommends a property tax abatement of 100%. Based on the 2007 mill levy, the estimated tax value of exempted property for the first full year is approximately \$73,781.

The value of a 100% real property exemption applicable to taxing jurisdictions is:

City	\$ 19,987	State	\$ 938
County	\$ 19,583	USD 259	\$ 33,274

The project will qualify for a sales tax exemption on bond-financed purchases. The estimated amount of exempted sales taxes is \$66,250 in state sales tax and \$12,500 in county sales tax; total value of the sales tax exemption is \$78,750.

The cost/benefit analysis report from the fiscal and economic impact model of Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City of Wichita	2.29 to one
Sedgwick County	1.68 to one
USD 259	1.20 to one
State of Kansas	8.31 to one

Economic Vitality and Affordable Living. Providing low-cost financing and granting an ad valorem property tax exemption and sales tax exemption will encourage the creation of new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve as to form bond documents prior to the issuance of any bonds.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

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Bob Weeks

Mr. Weeks resides at 2451 Regency Lakes Court, stated he is asking the Council not to vote to approve this request for a tax abatement and that this practiced is seized. Stated he would ask the Council to adopt a practice that will help realize the cost of these actions. Stated this company is not threatening to leave our area if this tax abatement is not granted and appears that they would build this facility even if the tax abatement is not granted. Stated the harmful effects of this tax abatement is that when someone escapes paying taxes, someone else has to make up the difference and when companies appear before this body week after week asking for tax favors, it adds up. Stated when one person or company does not pay, others have to pay more. Stated there is an inconsistency here in which business and government leaders tell us that we must build up the tax base but granting these tax favors destroys that very tax base and removes property from the property tax rolls. Stated he would propose a pledge to the Council, which is when the City of Wichita allows a company to escape paying taxes, that it reduce other City spending by the same amount and by following this simple rule, the City can be reminded of the cost of granting these special tax favors and the rest of us will not have to pay for them.

Motion--

Gray moved that the public hearing be closed; approve a Letter of Intent for a term of one year expiring April 15, 2009 to RAW Investments, Inc. to issue Industrial Revenue Bonds in an amount not-to-exceed \$2,500,000, subject to the Letter of Intent conditions; approve a 100% tax abatement to benefit Cessna Aircraft Company on all bond-financed property for an initial five-year period plus an additional five years pending City Council review and approval; and authorize staff to apply for sales tax exemption on bond-financed property. Motion carried 6 to 0, (Vice-Mayor Schlapp absent).

--carried

## TRADE CENTER

### **KANSAS WORLD TRADE CENTER 2008 - 2009 ECONOMIC DEVELOPMENT SERVICES AGREEMENT.**

Allen Bell

Urban Development Director reviewed the item.

(Council Member Gray momentarily absent)

Agenda Item No. 4.

The City of Wichita has contracted for economic development services from the Kansas World Trade Center ("KWTC") in annual amounts of \$50,000, starting in 1998 and continuing through 2007. Prior to 1998, KWTC received annual appropriations from the State of Kansas. From 1999 through 2002, Sedgwick County provided annual funding in the amount of \$50,000. In 2003, KWTC moved its offices from the Wichita Area Chamber of Commerce to the first floor of City Hall and received limited in-kind logistical support in addition to the annual contract amount. In 2005, KWTC moved to its present leased office space at 111 S. Market in downtown Wichita. In 2006, the City Council approved a two-year contract for KWTC to continue funding.

The mission of the KWTC is to promote and facilitate international trade through education, communication and research. KWTC provides specialized assistance and research to companies wishing to expand their access to the global marketplace, or to enter it for the first time. In addition to providing consulting and targeted services and targeted research for companies that are actively seeking international trade opportunities, the KWTC also conducts promotional campaigns, language classes, seminars, trade missions and presentations aimed at creating awareness of such opportunities.

The Kansas World Trade Center provides many valuable services for the City of Wichita, including assisting with Sister Cities programs, co-sponsoring the International Trade Processing Center feasibility study, organizing and hosting visiting foreign trade delegations and assisting the CVB, GWEDC and Chamber of Commerce with various international trade issues.

Under the proposed contract for services with the City, KWTC will provide economic development services to increase international trade activity, for the period starting January 1, 2008 and ending December 31, 2009. The contract will be retroactive to include activities from January 1, 2008.

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Payment for the contractual services will not exceed \$50,000 per year for calendar years 2008 and 2009. Funds for this purpose are allocated and will be paid from the Economic Development Fund.

The Economic Development Services Agreement has been approved as to form by the City Attorney's Office.

Economic Vitality and Affordable Living. Promotion of international trade is a vital ingredient in a package of economic development services available to the community's business sector in order to ensure a vibrant and diverse economy.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion-- Brewer moved that the proposed 2008-2009 Economic Development Services Agreement for the Kansas World Trade Center with effective date of January 1, 2008 be approved and the necessary signatures authorized. Motion carried 6 to 0, (Vice-Mayor Schlapp absent).  
--carried

## **RENAMING SCHOOL RENAMING OF RIVERVIEW SCHOOL SITE. (DISTRICT VI)**

Doug Kupper Parks and Recreation Director reviewed the item.

Agenda Item No. 5.

City Council Policy 13 delineates the requirements for naming public facilities "... in accordance with their intended use ...". The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

The Riverview School site, located at 5315 Sullivan Street, was acquired by the City Council on September 12, 2006 from USD 259. The east parcel of the property features a baseball diamond and the west side borders the Little Arkansas River. Approximately 4.75 acres of the land is readily available for open space and wooded riverbank. The Riverview Neighborhood Association made the request of the Board to name the area Riverview Park.

On March 10, 2008 the Board of Park Commissioners approved the renaming of the Riverview School site to become Riverview Park.

Cost to the Park and Recreation Department will be limited to labor for installation of a new sign and can be absorbed in the current operating budget.

Renaming the Park will provide a vibrant neighborhood by giving a better sense of place in the core area.

The Board of Park Commissioners action as naming authority for park and recreation areas is consistent with the provisions of City Council Policy 13.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion-- Fearey moved that the renaming of the Riverview School site to become Riverview Park be approved. Motion carried 6 to 0, (Vice-Mayor Schlapp absent).  
--carried

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## CHAPT. 18.14

Creation of Chapter 18.14 of the Code of the City of Wichita, relating to parking lot striping standards and enforcement.

Joe Lang

Law Department reviewed the item.

(Council Member Longwell momentarily absent)

Agenda Item No. 6.

In November, 2005, the City of Wichita entered into a settlement agreement to resolve alleged ADA violations at specific City facilities. In that settlement agreement, the City voluntarily embarked upon a large-scale review and modification of all City facilities and programs to ensure ADA compliance. One of the provisions in the settlement agreement required the City to promote private adherence to state laws and city ordinances requiring accessible parking in parking lots open to the public.

The proposed ordinance establishes an enforcement system for persons and businesses catering to the public that modify the construction or layout of parking spaces they make available to the public. The design standards already found in existing ordinances would apply only to new construction, or to changes made to existing facilities. Simple maintenance would not trigger enforcement action. If the ordinance design standards are violated, the persons responsible could be prosecuted in municipal court, or alternatively, could repair or reconstruct the facilities to solve the problem, have a confirming inspection, and pass an examination tied to proper ADA standards for parking configuration. This would not set up an inspection of every site, but would be complaint driven enforcement through the office of the ADA Coordinator. Law Department staff has already prepared an illustrated, self-study manual for remedial learning as needed, and multiple forms of the test to be administered.

The financial effect of this ordinance would be negligible. The intended purpose is to obtain compliance and appropriate construction; and remediation and education would be favored over prosecution. This enforcement scheme is seen as preferable to licensing and civil enforcement by the Board of Code Standards, to whom a licensing proposal was presented.

The Department of Law has proposed this code revision, and drafted the implementing ordinance. The Office of Central Inspection has reviewed and approved the same. The proposed new chapter would work in conjunction with existing enforcement programs. The proposal has the support of the Wichita-Sedgwick County Access Advisory Board.

The proposed ordinance would have a positive impact upon both the safe and secure and the quality of life goals. It enhances effective enforcement of parking regulations, and helps make available more accessible parking spaces for those who need them.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

David Calvert

Mr. Calvert stated he is the Chairperson of the Wichita/Sedgwick County Access Advisory Board and that they have worked with the department of law and the City on taking steps to simplify accessible parking. Stated they have major problems in the City and many private contractors that paint stripes in parking lot do not know how to do it and the department of law has developed a brochure explaining how to do it and this ordinance is one that has minimal cost if any to the City and the emphasis in the ordinance is on remediation of the problems rather than prosecution and there is a consequence if there is failure to comply with the ordinance. Stated it provides for a broad spectrum of complaints that is any person may make a complaint, which is very easy to do and can do so online. Stated it is a very forward thinking ordinance and thinks will solve a lot of problems that we have had.

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Motion--  
--carried

Brewer moved that creation of new chapter 18.14 of the City Code be approved and the ordinance placed on for first reading. Motion carried 6 to 0, (Vice-Mayor Schlapp absent).

## ORDINANCE

An ordinance creating chapter 18.14 of the code of the city of Wichita, Kansas, pertaining to parking lot striping standards and enforcement, introduced and under the rules laid over.

### SECTION 5.68.215

#### **AN ORDINANCE AMENDING SECTION 5.68.215 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ANTI-PROSTITUTION EMPHASIS AREA ENHANCED PENALTIES.**

Deputy Chief Lee

Deputy Chief Lee reviewed the item.

(Council Member Skelton momentarily absent)

(Council Member Gray momentarily absent)

Agenda Item No. 7.

Section 5.68.215 of the code of the City of Wichita, establishes anti-prostitution areas. If a person is convicted of the crime of Prostitution or a Prostitution related act, the Court is mandated to sentence more stringently, which includes mandatory incarceration penalties. The anti-prostitution emphasis area is intended to deter prostitution and related crime from business districts and neighborhoods that are continuously impacted by this type of criminal activity. The amendments to Section 5.68.215, more accurately reflect the areas now impacted disproportionately by such criminal activity, causing criminal conduct to become rooted in neighborhoods and business districts impacting both safety and quality of life for those living in the affected areas.

The amendments to City of Wichita Ordinance Section 5.68.215 should be amended to more accurately reflect the neighborhoods and business areas disproportionately impacted by the crime of prostitution.

Provide a Safe and Secure Community. This ordinance will allow the Police Department and Law department to charge and prosecute violations of Prostitution and related crimes in emphasis areas.

The City of Wichita Law department drafted the ordinance and approved it as to form.

Council Member Gray

Council Member Gray stated he is confused in the logic that is being used to propose this. Stated sometimes to combat crime, we try and force it into an isolated area so that we can deal with it in one place, which is what has happened by default. Stated we increase the penalties for engaging in that crime in that area, which leaves him to believe that they would just incentivize people to disperse back out into a less confined area. Stated it would be harder to actually enforce the laws.

Deputy Chief Lee

Deputy Chief Lee explained that the displacement that they see is relatively minor and they tend to stay in those areas that are documented by the crime data on the maps. Stated that the reason they tend to stay there is that they need those major thoroughfares for traffic to go through and the availability of hotels. Stated it is not the norm for them to depart and go outside of that area but some do and some learn that there is a stiffer penalty for committing that crime within a certain geographic boundary but the reason the penalty is there is because year after year the majority still commits those crimes within that boundary. Stated for this to be effective in the courts and to stand to whatever challenges may be posted, have to be confined to a documented area of high prostitution violations and a city wide mapping area or anti-prostitution emphasis area must be based on a documented need.

Council Member Williams

Council Member Williams inquired about a third person that could be arrested, such as the person who puts that person out there on the street.

Deputy Chief Lee

Deputy Chief Lee stated that can be done as well and we do see more "free lance operators" today and they arrest them just as they would anyone else.

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Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--carried Brewer moved that the ordinance be placed on first reading. Motion carried 6 to 0, (Vice-Mayor Schlapp absent).

## ORDINANCE

An ordinance amending section 5.68.215 of the code of the city of Wichita, Kansas, pertaining to anti-prostitution emphasis area enhanced penalties, introduced and under the rules laid over.

## METER READING AUTOMATED METER READING PROGRAM.

David Warren Director of Water and Sewer reviewed the item.

Agenda Item No. 8.

On June 18, 2004, City Council approved the first phase of the automated meter reading units. Since that time, 38,000 old units have been replaced with AMR units and 5,000 AMR units have been installed in new construction projects.

The program has achieved exceptional results. Installations have been completed without incident and the new mobile reading hardware and software have resulted in these units being able to be read on a monthly basis with one hundred percent accuracy. Depending on the route, more than 1,000 AMR units can be read per hour, as opposed to walking the routes and reading 75 meters per hour. Additionally, changing out the old meters increases revenues by preserving meter accuracy.

The result of the installations has been the reduction of staff time devoted to meter reading and the ability of the reading staff to stay on schedule. Benefits will multiply with the completion of the project. Accelerating the completion of the program allows more AMR units on existing routes to be installed and ensures that older meters can be changed out due to the expiration of their useful life. Further benefits of an AMR program include, but are not limited to:

- Increased employee and customer safety
- Improved customer service satisfaction due to more accurate and timely billing
- Reduced theft and revenue loss due to meter tampering
- Improved meter accuracy

Capital project expenditures were previously approved by City Council for CIP W-552, Automated Meter Reading. The requested change would accelerate completion of the project beginning in 2008 and going forward. City Council previously approved \$500,000 annually; however, the Utility would like to increase 2008 and subsequent years' capital budget for the project to \$1.7 million. Increasing the project budget will not materially affect the Water Utility CIP.

This project addresses ensuring efficient infrastructure by helping to keep maintained and optimized public systems.

The Resolution has been approved as to form by the Law Department.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion-- Brewer moved that the project expenditures for 2008 be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 6 to 0, (Vice-Mayor Schlapp absent).

--carried

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## RESOLUTION NO. 08-196

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water utilities owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$1.7 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Skelton, Longwell, Williams and Brewer, (Vice-Mayor Schlapp absent).

Ed Flentje Interim City Manager stated that item 12 will need to be pulled from the Airport Agenda and placed under the New Business Agenda. Stated this item requires Council action and is on advice of Council.

Motion--carried Brewer moved that item 12 be placed under New Business. Motion carried 6 to 0, (Vice-Mayor Schlapp absent).

### **(ITEM 12) ACQUISITION**

#### **NOTICE OF INTENT TO USE DEBT FINANCING-ACQUISITION OF 1534 SOUTH RIDGE ROAD.**

Victor White Airport Director reviewed the item.

(Council Member Skelton left bench)

Agenda Item No. 12.

On April 1, 2008, the Wichita Airport Authority authorized the purchase the property located at 1534 South Ridge Road to accommodate the long range need for airport property not requiring airfield access. The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds for capital projects.

It is necessary to declare that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport facility. Additionally, the nature of said improvements, the estimated costs thereof and the manner of payment needs to be disclosed. The actual issuance of the bonds will require a separate authorization from the City Council.

The approved budget is \$104,000 which represents the cost that will be funded with General Obligation Bonds paid for with airport revenue.

The Airport's contribution to the economic vitality of Wichita is leveraged through the use of long-term financing of capital projects.

The Law Department has approved the Authorizing Resolution as to form.

Mayor Brewer Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion-- Brewer moved that the Resolution be adopted and the necessary signatures authorized.  
--carried Motion carried 5 to 0, (Vice-Mayor Schlapp absent).

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Resolution No. A08-003

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## **COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES**

### **PLANNING AGENDA**

Council Member Fearey Council Member Fearey moved that item 10 be pulled for discussion.

Motion-- Brewer moved that Planning Consent items 9 and 11, be approved in accordance with the  
--carried recommended action shown thereon. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

### **ZON2008-02 - ZONE CHANGE FROM GO GENERAL OFFICE TO NR NEIGHBORHOOD RETAIL; LOCATED AT 6019 EAST CENTRAL AVENUE. (DISTRICT II)**

Agenda Item No. 9.

MAPC Recommendation: Approve (10-0).

DAB Recommendation: Approve

MAPD Staff Recommendation: Approve.

The applicant owns 6019 E. Central Avenue, a .17 acre platted lot located on the south side of Central, approximately 300 feet west of Hillcrest Avenue. The property is zoned General Office ("GO") with Conditional Use 555 to permit "personal care services" (a tailor shop). The applicant currently operates a tailor shop and is seeking Neighborhood Retail ("NR") zoning to permit a restaurant. Restaurants are first permitted in the NR zoning district, provided the restaurant does not exceed 2,000 square feet in gross floor area and does not provide any drive-up window or in-vehicle service.

The site is developed with a building containing less than 2,000 square feet that was constructed as a residence in 1951. With the recent improvements to Central Avenue, the site is served by a commercial grade drive off of Central Avenue. Except for the portion covered by the building, the entire lot is paved and used for parking and traffic circulation. There are seven parking stalls, including a handicap accessible stall, located at the rear of the lot, and two more parking spaces in the front. Parking standards for a restaurant are one parking space per three occupants. If that is the maximum number of parking spaces available, then the restaurant use would be limited to approximately 27 patrons at any one time. There is cross lot circulation to the lot located to the east, but not to the west. (Conditional Use 555 required at least five parking spaces be installed to the rear of the building, and that cross lot circulation be allowed when the lots on either side are redeveloped.)

Nearby zoning includes: NR, Two-family Residential ("TF-3"), GO and Limited Commercial ("LC"). The nearby properties are developed with office, retail shopping, personal improvement services and duplex uses. The NR zoned property is located immediately to the east of the application area and is subject to a restrictive covenant that limits uses on the site to GO uses and to a single NR use, a hair stylist salon.

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District Advisory Board (DAB) II reviewed this request on March 3, 2008, and the DAB recommended approval of the request. Only the applicant was present to speak to the request. The MAPC heard this request on March 13, 2008 and voted (10-0) to approve the request.

Staff has not received any protest petitions.

Promote economic vitality.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--  
--carried

Brewer moved to concur with the findings of the MAPC, approve the zone change and place the ordinance establishing the zone change on first reading. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

(ITEM 10)  
SUB2007-106

### **SUB 2007-106-PLAT OF NORTHGATE COMMERCIAL ADDITION LOCATED ON THE NORTH SIDE OF 53RD STREET NORTH AND WEST OF MERIDIAN. (DISTRICT VI)**

Agenda Item No. 10.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of nine lots on 49.16 acres, is located within Wichita's city limits. This site has been approved for a zone change (ZON 2006-25) from SF-5 Single-family Residential to LC Limited Commercial. The Northgate Commercial Park Community Unit Plan (CUP 2006-24, DP-299) has also been approved for this site (Parcels 4-12). A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, drainage, traffic signalization, left-turn lane and median, sidewalk and paving improvements. A Restrictive Covenant has been submitted to provide for the ownership and maintenance of the proposed reserves. In accordance with the CUP approval, a Declaration of Cross-lot Access and Easement has been submitted to assure internal vehicular movement between the lots. A Grant of Joint Access Easement for 53<sup>rd</sup> Street North has also been submitted.

This plat has been reviewed and approved by the planning commission, subject to conditions. Publication of the ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions, Restrictive Covenant, Declaration of Cross-lot Access and Easement and Grant of Joint Access Easement will be recorded with the Register of Deeds.

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Council Member Fearey Council Member Fearey asked that this be pulled because a citizen had asked her about it and it is a plat and there is one part of the plat that talks about a stop light at the intersection of Key West and Meridian. Stated everything else on the plat says that everything is north of 53<sup>rd</sup> Street and west of Meridian and this would not be and would like for the Planning Director to explain this like he did for her so it is out there in the open.

John Schlegel Planning Director stated he checked with the engineering office to see whether or not that had been a mistake and they are the ones that draft up these resolutions, which authorize the construction of these projects within the City right of way. Stated it was not a mistake and it is drafted as they intended it to be drafted and the reference to location that caused this phone call from the constituent was to the improvement district, which will fund this particular improvement. Stated it is not a reference to the location of the improvement itself. Stated that is the way they intended it and that is the way they want it and he recommends that the Council adopt it as presented.

Motion-- Fearey moved that the documents and plat be approved; the necessary signatures authorized the Resolutions adopted and the ordinance placed on first reading. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).  
--carried

## RESOLUTION NO. 08-197

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-90383 (south of 53rd St. North, west of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-198

Resolution of findings of advisability and Resolution authorizing construction of construction of Lateral 15, Main 15, Sanitary Sewer No. 23 (north of 53rd St. North, west of Meridian) 468-84504, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-199

Resolution of findings of advisability and Resolution authorizing construction of improving Storm Water Drain No. 348 (south of 53rd St. North, west of Meridian) 468-84506, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-200

Resolution of findings of advisability and Resolution authorizing construction of construction a left turn lane and median improvements in 53rd St. North from the west line of Northgate Commercial Addition to the east line of Northgate Commercial Addition (north of 53rd St. North, west of Meridian) 472-84709, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

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## RESOLUTION NO. 08-201

Resolution of findings of advisability and Resolution authorizing construction of construction accel/decel lane improvements in 53rd St. North from the west line of Northgate Commercial Addition to the east line of Northgate Commercial Addition (north of 53rd St. North, west of Meridian) 472-84710, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-202

Resolution of findings of advisability and Resolution authorizing construction of constructing a traffic signalization device to serve the major opening on 53rd St. North between Lots 5 and 6, in Block A, Northgate Commercial Addition (north of 53rd St. North, west of Meridian) 472-84711, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-203

Resolution of findings of advisability and Resolution authorizing construction of constructing a traffic signalization device at the intersection of Meridian Avenue and Key West (north of 53rd St. North, west of Meridian) 472-84712, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-204

Resolution of findings of advisability and Resolution authorizing construction of constructing sidewalk improvements on the north side of 53rd St. north from the east line of Northgate Commercial Addition to the west line of Northgate commercial Addition (north of 53rd St. north, west of Meridian) 472-84713, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

**SUB2007-107**

### **SUB 2007-107-PLAT OF NORTHGATE COMMERCIAL 2ND ADDITION LOCATED ON THE WEST SIDE OF MERIDIAN AND NORTH OF 53RD STREET NORTH. (DISTRICT VI)**

Agenda Item No. 11.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of three lots on 6.07 acres, is located within Wichita's city limits. This site has been approved for a zone change (ZON 2006-25) from SF-5 Single-family Residential to LC Limited Commercial. The Northgate Commercial Park Community Unit Plan (CUP 2006-24, DP-299) has also been approved for this site (Parcels 13-15). A Notice of Community Unit Plan has been submitted.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and

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left-turn lane improvements. In accordance with the CUP approval, a Declaration of Cross-lot Access and Easement has been submitted to assure internal vehicular movement between the lots. A Grant of Joint Access Easement has been submitted for ingress and egress purposes between Lots 1-3, Block A.

This plat has been reviewed and approved by the planning commission, subject to conditions. Publication of the ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Notice of Community Unit Plan, Certificate of Petitions, Declaration of Cross-lot Access and Easement and Grant of Joint Access Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Brewer moved that the documents and plat be approved; the necessary signatures authorized; the resolutions adopted; and the ordinance placed on first reading. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-205

Resolution of findings of advisability and Resolution authorizing construction of construction of Lateral 16, Main 15, Sanitary Sewer No. 23 (south of 53rd St. North, west of Meridian) 468-84505, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer. (Vice-Mayor Schlapp and Skelton absent).

## ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

## AIRPORT AGENDA

(ITEM 12)

NOTICE OF INTENT

**NOTICE OF INTENT TO USE DEBT FINANCING-ACQUISITION OF 1534 SOUTH RIDGE ROAD.**

(This item was moved to New Business)

## COUNCIL AGENDA

### APPOINTMENTS

### COUNCIL MEMBER APPOINTMENTS

Council Member Williams Council Member Williams requested that Donna Douglas be appointed to the Mayor's Youth Council Advisory Group.

Council Member Longwell Council Member Longwell requested that Jay Buckmaster be appointed to the Mayor's Youth Council Advisory Group and Kyle Userie to the Sisters Cities Board.

Council Member Gray Council Member Gray requested that Doug Leaper be appointed to DAB IV and Matt Goolsby to the Park Board.

Council Member Fearey Council Member Fearey requested that Carol Scaff to the Mayor's Youth Advisory Council.

Motion--carried Brewer moved that the Appointments be made. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

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## CONSENT AGENDA

Motion-- Brewer moved that Consent Agenda items 14 through 30b, be approved in accordance with the  
--carried recommended action shown thereon. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 14, 2008**

Bids were opened April 11, 2008, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

29th Street North, Maize to Tyler - Phase 2 Landscaping 29th Street North, west of Tyler (472-83868a/706868/204334) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Complete Landscaping Systems - \$103,723.25

2008 Contract Maintenance Preparatory Work & Repairs north of 71st Street South, east of 167th Street West (472-84706/132721/792409/620799/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,III,IV,V,VI)

Parga Construction\* - \$431,400.00  
\* Engineer's Estimate

Lateral 412 Four Mile Creek Sewer to serve Sierra Hills Addition north of Pawnee, east of 127th Street East (468-84499/744280/480969) Does not affect existing traffic. (District II)

WB Carter Construction - \$49,131.00

Water Distribution System to serve Sierra Hills Addition north of Pawnee, east of 127th Street East (448-90371/735415/470088) Does not affect existing traffic. (District II)  
Utilities Plus - \$22,131.70

Motion-- Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest  
--carried and best bid within the Engineer's estimate, and the necessary signatures be authorized. Motion carried 7 to 0.

CONCRETE PATHWAY FOR MACDONALD PARK: Park and Recreation Department/Recreation Division.

Parga Construction - \$37,800.00

CALCIUM CHLORIDE PELLETS 94%-97%: Public Works Department/Maintenance Division.

Brenntag Southwest Inc\* - \$0.237 per pound  
\* Price increase for new option year due to resin  
and fuel costs from \$0.230 to \$0.237 per pound.

Motion-- Brewer moved that the contracts be awarded as outlined above, same being the lowest  
--carried and best bid, and the necessary signatures be authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

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## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Stephen Duhl	Dillon Store #81	13415 West Maple
Jose O. Vasquez	El Super Del Centro LLC	1770 North Broadway
Kulwinder Jaswal	Petro America, Jaswal LLC	8008 East 21st Street
Juan A. Castaneda	Angela's Café*	10901 East Kellogg

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Brewer moved that the licenses be approved subject to Staff review and approval.  
Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## PRELIM ESTS.

### PRELIMINARY ESTIMATES:

- a. Douglas Avenue Drainage Outfall Project, Phase 2: Wabash Water Main Replacement; 3rd Street Sanitary Sewer Replacement; 3rd Street North Water Main Extension (west of Hydraulic, north of Douglas) (468-84060a/660798/636197/636198/620475/864501/ 778587/778588/667593) See Special Provisions & Plansheets. (District I,VI) - \$2,991,895.00
- b. 2008 Contract Maintenance Bridge Rail Rehabilitation (Wassell & Spruce and Mosley & 20th Street North Bridges) (472-84670/132721/) Traffic to be maintained during construction using flagpersons & barricades. (District III,VI) - \$150,000.00
- c. 2008 Sanitary Sewer Reconstruction, Phase 3 (north of 21st Street North, east of Amidon) (468-84501/620503/668622) Traffic to be maintained during construction using flagpersons & barricades. (District VI) - \$82,000.00
- d. Douglas & Oliver Intersection (472-84609/706970/207436) Traffic to be maintained during construction using flagpersons & barricades. (District III) - \$2,895,000.00

Motion--carried

Brewer moved that the file be received. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## PETITION

### CONSTRUCT PAVING, DRAINAGE AND WATER SYSTEM IMPROVEMENTS FOR EDGE WATER ADDITION, SOUTH OF 45TH STREET NORTH, WEST OF HOOVER. (DISTRICT V)

Agenda Item No. 17a.

On January 15, 2008, the City Council approved a petition to construct drainage improvements in Edge Water Addition. The developers have submitted a new petition that adjusts the fractional assessments to reflect current marketing conditions. In addition, the developers have submitted new paving and water system petitions. The Petitions have been signed by two owners representing 100% of the improvement districts.

The projects will provide paving, drainage and water system improvements for Edge Water Addition, a new residential development located south of 45th St. North, west of Hoover.

The existing Petition totals \$1,450,000. The new Petitions total \$2,054,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing public improvements required for a new residential development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

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Motion--  
--carried

Brewer moved that the new Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-206

Resolution of findings of advisability and Resolution authorizing construction of construction of Water Distribution System Number 448-90381 (south of 45th St. North, west of Hoover), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer. (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-207

Resolution of findings of advisability and Resolution authorizing construction of improving Storm Water Drain No. 326 (south of 45th St. North, west of Hoover), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer. (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-208

Resolution of findings of advisability and Resolution authorizing construction of constructing pavement on Driftwood from the west line of Lot 1, Block 1, west to the west line of Ridge Port; and on Ridge Port from the south line of Driftwood, south to the north line of Lot 28, Block A and on Two Ridge Port Courts (Lots 7 through 21, Block A), from the west line of Ridge Port, west and north to and including the cul-de-sacs on Ridge Port Court (Lots 22 through 27, Block A) from the west line of Ridge Port, west to and including the cul-de-sac; and on Ridge Port Court (Lots 20 through 29, Block B) from the east line of Ridge Port, east to and including the cul-de-sac and that sidewalk be constructed on Driftwood and Ridge Port (south of 45<sup>th</sup> St. North, west of Hoover) 472-84708, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer. (Vice-Mayor Schlapp and Skelton absent).

## PETITION

### **PAVE LORRAINE AND CONSTRUCT A WATER DISTRIBUTION SYSTEM ALONG LORRAINE, BETWEEN 26TH STREET AND 27TH STREET. (DISTRICT I)**

Agenda Item No. 17b.

On October 2, 2007, the City Council approved Petitions to pave Lorraine Street and construct a water distribution system along Lorraine Street between 26th and 27th Streets North. The developer has submitted new Petitions to modify the method of assessment from the square foot basis to the fractional basis so each building site will have an equal share of the cost. The signature on the new Petitions represents 100% of the improvement districts.

The projects will serve a new infill residential development along Lorraine, between 26th and 27th Streets.

The existing project budgets are unchanged.

The projects address the Efficient Infrastructure goal by providing public improvements needed for new residential development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Brewer moved that the new Petitions be approved; the Resolutions adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

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## RESOLUTION NO. 08-209

Resolution of findings of advisability and Resolution authorizing construction of construction of Water Distribution System Number 448-90328 (north of 26th St. North, west of Hillside), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer. (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-210

Resolution of findings of advisability and Resolution authorizing construction of construction pavement on Lorraine from the south line of 27th St. North to the south line of the proposed cul-de-sac in existing 26th St. North right-of-way (north of 26th St. North, west of Hillside) 472-84603, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer. (Vice-Mayor Schlapp and Skelton absent).

## PETITION

### **SANITARY SEWER IN WOODS ADDITION, EAST OF 151ST STREET WEST, NORTH OF MAPLE. (DISTRICT V)**

Agenda Item No. 17c.

On February 14, 2006, the City Council approved a petition to construct a sanitary sewer system for Woods Addition. The developer has submitted a new Petition to add a main benefit fee to the petition budget. The signature on the Petition represents 100% of the improvement district.

The project will provide sanitary sewer service for a new residential development located east of 151st St. West, north of Maple.

The existing Petition totals \$426,000. The new Petition totals \$477,819. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing sanitary sewers required for a new residential development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## RESOLUTION NO. 08-211

Resolution of findings of advisability and Resolution authorizing construction of Lateral 56, Cowskin Interceptor Sewer (East of 151<sup>st</sup> St. West, north of Maple) 468-84129 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Fearey, Gray, Longwell, Williams and Brewer. (Vice-Mayor Schlapp and Skelton absent).

## BOARDS/COMMISS. **MINUTES OF ADVISORY BOARDS/COMMISSIONS.**

Board of Electrical Appeals, February 26, 2008

Board of Electrical Appeals, March 11, 2008

Board of Plumbers and Gas Fitters Appeals, January 2, 2008

Board of Plumbers and Gas Fitters Appeals, February 6, 2008

Board of Plumbers and Gas Fitters Appeals, March 5, 2008

Board of Refrigeration, Air Conditioning, Warm Air Heating, and Boiler Appeals,  
February 7, 2008

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Board of Refrigeration, Air Conditioning, Warm Air Heating, and Boiler Appeals,  
February 28, 2008

Motion--carried

Brewer moved to receive and file. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## STREET CLOSURE

### **LEARJET CELEBRATING 45 YEARS OF FLIGHT FIREWORKS CELEBRATION, APRIL 18, 2008, 9:15 PM – 9:30 PM. (DISTRICT I)**

Agenda Item No. 19.

In accordance with the Community Events Procedure, the event promoter Brad Pittman, Wichita State University Athletic Department is coordinating with City of Wichita Staff, subject to final approval by the City Council.

The following street closure request has been submitted:

Learjet Celebrating 45 years of Flight Fireworks Celebration, April 18, 2008 9:15 pm – 9:30 pm.

21st Street North, Oatman Drive to Oliver

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

The event sponsor is responsible for all costs associated with the special event.

Enhance the Quality of Life

Motion--

Brewer moved that the request be approved subject to: Hiring off-duty certified law enforcement officers as required; Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department and Certificate of Liability Insurance on file with the Community Events Coordinator.

--carried

Motion carried 7 to 0. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## WATERFRONT

### **AGREEMENT TO RESPREAD ASSESSMENTS: WATERFRONT RESIDENTIAL ADDITION NORTH OF 13TH STREET NORTH, EAST OF GREENWICH. (DISTRICT II)**

Agenda Item No. 20a.

The landowner, Waterfront Residential Co., LLC, platted Waterfront Residential Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a sanitary sewer lateral project. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

The Agreement has been approved as to form by the Law Department.

Motion--

--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

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## CEDAR VIEW

### AGREEMENT TO RESPREAD ASSESSMENTS: CEDAR VIEW VILLAGE ADDITION NORTH OF LINCOLN STREET, EAST OF GREENWICH ROAD. (DISTRICT II)

Agenda Item No. 20b.

The landowner, BGS Companies, Inc., platted Cedar View Village Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for paving, sanitary sewer, storm water sewer, and water distribution system projects. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## CHANGE ORDER

### CENTRAL CORRIDOR RAILROAD IMPROVEMENT. (DISTRICT VI)

Agenda Item No. 21a.

On March 8, 2005, the City Council approved a construction contract with Dondlinger & Sons, Inc. to construct Central Corridor Railroad Improvements. After the work began and due to a change in the track signal system, it was determined that 891 feet of track that was to have been owned by the Union Pacific Railroad Company will be owned by the BNSF Railroad Company. The original contract agreements required the City to reimburse the BNSF an amount of about \$93,3000 for track construction. Constructing the work as part of the City's contract with Dondlinger & Sons, Inc. rather than BNSF installing the tracks and being reimbursed by the City results in a savings of approximately \$15,000.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$78,272, with the total paid by a combination of City-at-Large funds, Federal grants, KDOT System Enhancement Funds and railroad funds. The original contract amount is \$57,444,085. This Change Order plus previous Change Orders represents 02.02% of the original contract amount.

This project addresses the Efficient Infrastructure goal by improving east-west traffic flow and safety through the core area.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--  
--carried

Brewer moved that the Change Order be approved and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

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## ACQUISITION

### **PARTIAL ACQUISITION OF VACANT LAND AT 135TH STREET WEST AND 31ST STREET SOUTH FOR THE MID-CONTINENT INTERCEPTOR SANITARY SEWER PROJECT. (DISTRICT IV)**

Agenda Item No. 22a.

On December 19, 2006, City Council approved the funding and installation of new water mains where development is occurring and in areas where future growth is anticipated. One such area is in Southwest Wichita near Mid-Continent Airport, more specifically, a half-mile south of Pawnee between Tyler Road and 135th Street West. Phase one of the proposed line is approximately 3-miles long. It is necessary to acquire a sanitary sewer easement from eight parcels within this corridor. This particular acquisition is from a 75-acre agricultural tract located in the east half of the Southwest Quarter of Section 1, Township 28 South, Range 2 West.

A 50-foot wide easement consisting of 1.50-acres and a 150-foot temporary construction easement consisting of 4.49-acres are required. The owner accepted the appraised offer \$5,115 which included compensation for both easements and crop damages. The land values were based on percentage of the fee value of \$8,000 an acre.

\$6,000 is requested budget for the acquisition. \$5,115 towards the purchase price and \$885 for closing costs and title insurance. The funding source is future revenue bonds and/or Water Utility cash reserves.

The acquisition of this parcel is necessary to ensure efficient infrastructure and provide reliable, compliant and secure utilities.

The Law Department has approved the contract as to form.

Motion--  
--carried

Brewer moved that the budget expenditure and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## ACQUISITION

### **PARTIAL ACQUISITION OF 757 SOUTH OLIVER FOR THE OLIVER, HARRY TO KELLOGG ROAD PROJECT. (DISTRICT III)**

Agenda Item No. 22b.

On May 14, 2004, the City Council approved the Oliver Road improvements from Harry to Kellogg. The design concept is to replace the existing pavement on Oliver with a new five lane roadway, with four through lanes and a center two-way left turn lane. Left turn lanes would be provided at all four approaches to the intersection of Oliver and Harry. To accommodate the project, it is necessary to acquire ten to twenty-foot wide strips of land from eight properties abutting Oliver's west right-of-way line. Properties consist of commercial, single-family and multi-family. This particular acquisition is from 757 South Oliver, a single-family residential site.

The proposed 500 square foot acquisition consists of the eastern 10 feet of the subject site. A 250 square foot temporary easement is necessary during construction. The site improvements will not be impacted as a result of the acquisition. The owner rejected the appraised value of \$820, or \$1.58 per square foot. Instead, the owner agreed to accept \$1,000 for the acquisition. The additional \$180 is compensation for a new landscaping buffer between the roadway and the improvements. This amount is reasonable and prudent.

The funding source for the project is General Obligation Bonds. A budget of \$1,400 is requested. This includes \$1,000 for acquisition and \$400 for closing costs and title insurance.

The acquisition of this parcel is necessary to ensure efficient infrastructure in the area.

The Law Department has approved the contract as to form.

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Motion--  
--carried

Brewer moved that the Budget and Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## CLAIMS

### REPORT ON CLAIMS ALLOWED FOR MARCH 2008:

<u>Name of Claimant</u>	<u>Amount</u>
Kansas Gas Service	\$1,134.49**
Mews HOA	\$ 137.77
Jim Park	\$ 733.00
John Turner	\$2,022.80
David Gallegos	\$ 169.00

\*\* Settled for lesser amount than claimed.

Motion--carried

Brewer moved to receive and file. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## VACANT LOT

### TRANSFER OF VACANT LOT AT 412 MIKE STREET TO THE CITY OF ANDOVER.

Agenda Item No. 24.

The Water Department has a 6,900 square foot lot located at 412 Mike Street in Andover. This lot was formally the site of a water tower structure. The above ground improvements were removed several years ago. The City of Andover is preparing to pave Mike Street adjacent to the parcel. The parcel will be subject to specials totaling \$8,888.89 due to the paving project.

The lot is located in an older mixed use residential area. It is smaller than other parcels in the area. In addition, it appears that while the above ground improvements were removed, some subsurface items remain. Based on these items, the market value of the site is estimated to be less than the total cost of the pending specials. The City of Andover has indicated that they would be willing to accept the parcel.

The City will be relieved of specials, mowing and maintenance of the lot.

Promote efficient infrastructure by optimizing public facilities and assets.

The Law Department has approved the deed as to form.

Motion--  
--carried

Brewer moved that the Deed be approved and all necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

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OAKLAWN

## **TRANSIT SERVICE AGREEMENT FOR OAKLAWN IMPROVEMENT DISTRICT. (DISTRICT III)**

Agenda Item No. 25.

For the past several years, Wichita Transit has provided fixed-route and paratransit van service to the Oaklawn Improvement District. Currently, Sedgwick County reimburses Wichita Transit for the actual cost of providing such service according to a year-by-year contractual agreement. The purpose of this action is to establish the contractual agreement for 2008, with option year 2009.

Wichita Transit operates one fixed-route, which provides service to the Oaklawn area. Paratransit service is also provided to Oaklawn based on ADA guidelines (which require service in areas in which fixed-route service is provided). In 2008, an estimated 700 hours of fixed-route service will be provided. The estimated hourly cost for this service is \$53.51 (\$76.44 per hour less revenues and federal funding credit). Paratransit service cost is estimated at \$11.95 per trip, with an estimated 33 trips per month to be provided in 2008.

Based on the projected service levels, the total projected revenue from the 2008 agreement will be \$30,472 after deducting passenger revenues and federal credit. The adopted 2008 budget includes the expenditure authority necessary to provide the service.

To ensure efficient infrastructure and optimizing use of public facilities and assets.

City Council approval is required for contracts in excess of \$25,000.

Motion--  
--carried

Brewer moved that the contract be approved and the necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

ANTENNA SITE

## **LEASING OF ANTENNA SITE AT 1903 WEST PAWNEE. (DISTRICT IV)**

Agenda Item No. 26.

T-Mobile has approached the City about placing a tower to provide wireless service on a site in the southwest portion of the city-owned property at 1903 West Pawnee. The property is developed with a former fire station. It is currently being utilized by the police bomb unit and EMS. The site has been reviewed and accepted by both users and appropriate staff. The proposed tower will be a 120 to 150-foot tall monopole and will accommodate up to four service providers.

The lease agreement provides for a fifteen-year term with two five-year options. Annual base rental is \$10,020 with annual three percent increases. For each additional user, the base rent will increase \$1,800 annually. Until such time as all four spots on the tower are leased, the City shall have the right to utilize one spot at no cost to the City. The lessee agrees not to interfere with the public purpose of the area and to make sure the leased area is secure.

The City will receive rent revenues as described above. The lessee shall be responsible for all costs of installation, operation and maintenance of the facility and the leased land upon which it is constructed.

The proposed sale insures efficient infrastructure by optimizing the use of public assets and providing additional communications capacity in the area.

The Law Department has approved the lease as to form.

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Motion--  
--carried

Brewer moved that the Lease be approved and all necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## ANTENNA SITE

### **LEASING OF ANTENNA SITE AT LINWOOD PARK. (DISTRICT I)**

Agenda Item No. 27.

Dragon Communications has approached the City about placing a tower to provide wireless service on a site in the eastern portion of Linwood Park. The site is located just west of Kansas Avenue in the center of the park. The proposal calls for a light standard on the softball field to be replaced with a monopole cell tower. Lights will be attached to the tower structure. The site has been reviewed and accepted by appropriate staff. The Park Board approved the siting at their February meeting. The proposed tower will accommodate up to four service providers.

The lease agreement provides for a fifteen-year term with two five-year options. Annual base rental is \$10,020 with annual three percent increases. For each additional user, the base rent will increase \$1,800 annually. Until such time as all four spots on the tower are leased, the City shall have the right to utilize one spot at no cost to the City. The lessee agrees not to interfere with the public purpose of the area and to make sure the leased area is secure. Upon termination of the lease, the lessee will remove the tower and replace the light standard.

The City will receive rent revenues as described above. The lessee shall be responsible for all costs of installation, operation and maintenance of the facility and the leased land upon which it is constructed.

The proposed sale insures efficient infrastructure by optimizing the use of public assets and providing additional communications capacity in the area.

The Law Department has approved the lease as to form.

Motion--  
--carried

Brewer moved that the Lease be approved and all necessary signatures authorized. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## ANTENNA SITE

### **LEASING OF ANTENNA SITE ON CITY HALL. (DISTRICT VI)**

Agenda Item No. 28.

Unified School District 259 (USD259) currently has a wireless antenna array on the roof of City Hall. The array is part of USD259's internal microwave communications system. A lease has been prepared to formalize the existing utilization relationship.

The lease agreement provides for a five-year term with two five-year options. The lease does not require rent but does require USD259 to reimburse the City for utility costs associated with the array. USD259 is also responsible for any property taxes arising from the placement of the array and must carry appropriate insurance. The lessee agrees not to interfere with the public purpose of the area and to make sure the leased area is secure. Upon termination of the lease, the lessee will remove the array and restore the area to its current condition.

The City will receive reimbursements as described above. The lessee shall be responsible for all costs of installation, operation and maintenance of the facility.

The proposed sale insures efficient infrastructure by optimizing the use of public assets and providing additional communications capacity in the area.

The Law Department has approved the lease as to form.

Motion--

Brewer moved that the Lease be approved and all necessary signatures authorized. Motion

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--carried

carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## PAYROLL TAX

### AGREEMENT TO EXAMINATION REPORT FOR EMPLOYEE/PAYROLL TAX AUDIT OF CITY.

Agenda Item 29.

The Internal Revenue Service ("IRS") recently examined the City's federal employment and payroll tax matters for the calendar quarters in fiscal year 2004. On March 8, 2008, Council approved a number of proposed adjustments submitted on Forms 5701. Those are now included in the final examination report, as the basis of \$106,179.96 in net additions to tax. The amount is greater than the \$65,130 in withholding taxes mentioned in the March 8, 2008 item, because the report now also includes the associated adjustments for FICA and Medicare, in addition to the withholding tax liability. A further amount of \$13,265.12 in additions to tax is included as a result of reclassification of two golf professionals and a tennis professional, whose earnings were reported in 2004 on Form 1099 rather than Form W-2, and not then subjected to withholding, FICA, or Medicare deductions by the City.

Base compensation amounts for two of the seven issues previously included in Forms 5701 have been slightly reduced due to a correction on the use of two vehicles (Issue 4) and correction of a computational error on moving expenses (Issue 1). With the addition of the \$13,265.12 related to reclassification of the two golf professionals and the tennis professional, the total adjustment comes to \$119,445.08. IRS Government Entities Specialist Gary Decker proposed no penalties in the examination report, and has advised that if the City agrees to the report and remits payment for the adjustment, there will be no interest assessed on the deficiency.

The net additional withholding, FICA and Medicare liability as a result of the proposed adjustments will be \$119,445.08. This includes \$94,683 from the General Fund, \$22,110 from the Golf Fund, \$1,968 from the IT Fund and \$684 from the City-County Flood Control Fund. In the context of overall City operations and the wide range of issues reviewed in the audit, the proposed adjustments represent a minor degree of error. However, corrective steps have been identified for each category of adjustments, going forward.

Internal Perspective.

The City Attorney's Office has reviewed the auditors' requests for information and the City's responses throughout the course of the audit, and has also reviewed the sections of the Internal Revenue Code and Regulations relied upon by the auditors for each of the proposed adjustments, as well as interpretive federal case law. Based on this review, it appears appropriate for the City to concur with the Examination Report and approve the Forms 2504 and 2504-WC as presented to the Council herewith.

Motion--

Brewer moved that Forms 2504 and 2504-WC be approved; the Mayor authorize to sign; authorize prompt payment of the adjustment, and approve any necessary budget adjustments. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

--carried

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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ APRIL 8, 2008)

- a. DR2007-05-Proposed Amendments to the Unified Zoning Code Pertaining to the Regulation of Wireless Communication Facilities.

ORDINANCE NO. 47-869

An ordinance amending section iii-d.6.g. and section vi.g.9. of the Wichita-Sedgwick county unified zoning code (April 19, 2001 edition), as adopted by reference in city of Wichita code sec. 28.04.010 by ordinance no. 44-975 and creating section I.I. and section V.I. of the Wichita-Sedgwick County Unified Zoning Code, pertaining to the regulation of wireless communication facilities. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent)

- b. Kellogg, from 1400' east of 151st Street West to 1/2 mile west of Maize. (District V)

ORDINANCE NO. 47-870

An ordinance declaring Kellogg, from 1,400 feet east of 151st St. west to one half mile west of maize (472-84707) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0: Fearey, Gray, Longwell, Williams and Brewer, (Vice-Mayor Schlapp and Skelton absent).

## RECESS

### EXECUTIVE SESSION.

Motion--

Brewer moved at 11:18 a.m. that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, contract negotiations, personnel matters of non-elected personnel, and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 12:00 p.m. and reconvene in the City Council Chambers on the first floor of City Hall. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

--carried

## RECONVENED

The City Council reconvened in the City Council Chambers at 12:15 p.m.

Motion--carried

Brewer moved to extend the Executive Session until 12:30 p.m. Motion carried 4 to 0, (Longwell, Skelton, and Vice-Mayor Schlapp absent).

## RECONVENED

The City Council reconvened in the City Council Chambers at 1:00 p.m. Mayor Brewer announced that no action was taken or needed as a result of the Executive Session.

Motion--carried

Brewer moved that the Executive Session be closed. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

Motion--carried

Brewer moved that the regular meeting be adjourned. Motion carried 5 to 0, (Vice-Mayor Schlapp and Skelton absent).

## ADJOURNMENT

The meeting was adjourned at 1:02 p.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

# **CITY COUNCIL PROCEEDINGS**

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\*\*\*Workshop to follow in the First Floor Board Room\*\*\*